

REMARKS

In the Office Action dated October 10, 2003, the Examiner rejected claims 3, 7, 12 and 16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the Office Action, claims 1, 3-6, and 8-11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.K. Patent Application GB 2,154,652 A ("the UK reference (652)"). Claims 1, 8, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,475,997 to Chung ("Chung '997"). Claims 2-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of art, as described in further detail below.

Rejections under 35 U.S.C. § 112:

In the Office Action dated January 31, 2003, the Examiner rejected claims 3, 7, 12 and 16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In support of the rejections, the Examiner asserted the following:

Claims 3, 7, 12 and 16 are objected to because of the following informalities: In claim 3, it is not clear in which direction "collinear" is referring to, axially along the lock cylinder, or radially. In claim 7, line 4 and claim 12, line 4, "between" is not clear, since as seen in fig. 4, the second pin 176 or 180 is not directly between the pins 178 and 174. In claim 16, line 10, it is not clear what is meant by "and the first set of driver pin bores" (the pin 178 is not between the pins 174, 172, 170). Appropriate correction is required.

Applicant has amended claims 3, 7, 12 and 16 to address the Examiner's objections. Specifically, claim 3 has been canceled. Applicant has amended claims 7 and 12 to replace "between" with "adjacent to," and has amended claim 16 to delete "and the first set of driver pin bores." Applicant respectfully submits that these amendments do not introduce new matter and entry thereof is respectfully requested. Applicant respectfully submits that claims 3, 7, 12

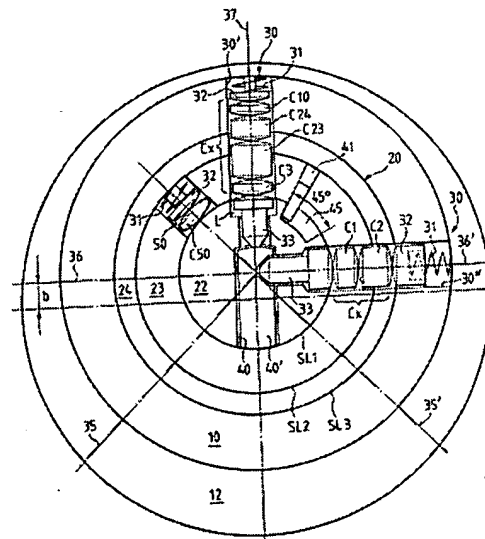
and 16 are, as amended, fully compliant with 35 U.S.C. § 112, and respectfully requests that the Examiner withdraw the rejections of these claims under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 102:

In the Office Action, claims 1, 3-6, and 8-11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.K. Patent Application GB 2,154,652 A ("the UK reference (652)"). In support of the rejections, the Examiner asserted the following:

Claims 1, 3-6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the UK reference (652). The UK reference (652) teaches a mogul cylinder assembly 12 including a cylinder bore with a cylinder blank 22 having an axis offset from the principal axis of the mogul 12, a first driver pin bore 30", a second driver pin bore 30', and a third driver pin bore at location 36, the cylinder blank 22 including first, second and third pass key pins 33 located in first, second and third pass key pin bores, wherein the pass key pins 33 including a conical shaped end.

The single drawing figure disclosed in the UK Reference is shown to the right. Although Applicant does not subscribe to the Examiner's characterization of prior claims 1 and 8 or of the UK Reference, in the interest of expediting prosecution Applicant has amended independent claims 1 and 8 to more distinctly define a specific

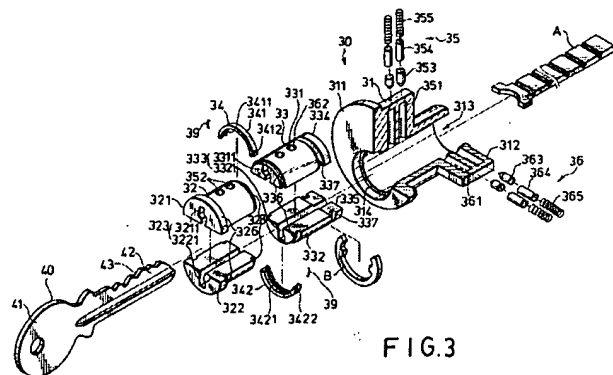


1 or 8, as required for a showing of anticipation under 35 U.S.C. § 102. Accordingly, Applicant respectfully submits that the Examiner's rejection of independent claims 1 and 8 under 35 U.S.C. § 102 as being anticipated by the UK Reference has been overcome.

In the Office Action, claims 1, 8, and 9 were also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,475,997 to Chung ("Chung '997"). In support of the rejections, the Examiner asserted the following:

Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (997). Chung teaches a "generally" cylindrical (see the front face 311) mogul, a cylinder bore 313 offset from the principal axis of the mogul, a cylinder blank 321, 322 in the cylinder bore, first 351 and second 361 driver pin bores to receive driver pins, first 353 and second 363 pass key pins received in pass key pin bores, wherein the pins 353, 363 include conical shaped ends.

Figure 3 of the Chung '997 reference is shown to the right. As seen in this figure, the Chung '997 reference does not disclose a single cylinder blank as recited in claims 1 and 8. Although "comprising" claims such as claims 1 and 8 may be considered to encompass an assembly having more



than one cylinder blank, neither of the cylinder blanks disclosed in the Chung '997 reference meets the specific structural limitations recited in pending claims 1 and 8.

Although Applicant does not subscribe to the Examiner's characterization of prior claims 1 and 8 or of the Chung '997 reference, in the interest of expediting prosecution Applicant has, as noted above, amended independent claims 1 and 8 to more distinctly define a specific embodiment of the subject matter which Applicant regards as his invention. Applicant

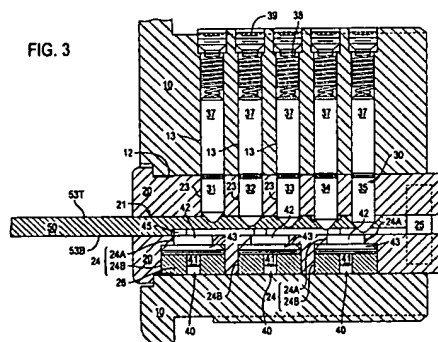
respectfully submits that the Chung '997 reference does not disclose each and every limitation recited in either of amended claims 1 and 8, as required for a showing of anticipation under 35 U.S.C. § 102. Accordingly, Applicant respectfully submits that the Examiner's rejection of independent claims 1 and 8 under 35 U.S.C. § 102 as being anticipated by the Chung '997 reference has been overcome.

Rejections under 35 U.S.C. § 103:

In the Office Action, claims 2-7 and 10-20 were rejected by the Examiner under 35 U.S.C. § 103 based on the Chung '997 reference in combination with other references, including but not limited to U.S. Patent Number 6,105,404 to Field et al. ("Field '404") and U.S. Patent Application Number 2002/0116968A1 filed by Shvarts ("Shvarts '968"). In support of the rejection of claim 2 under 35 U.S.C. § 103, the Examiner presented the following arguments:

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Field et al (404). Field teaches internally threaded bores to receive a socket screw 39. It would have been obvious to one of ordinary skill in the art to modify the bores 351, 361 of Chung such that they are closed by a threaded screw and socket, in view of the teaching of Field et al, the motivation being to simplify assembly/disassembly of the mogul and cylinder blank components.

Applicant respectfully submits that claim 2 is allowable as it depends from claim 1, the patentability of which is discussed above. Chung '997 does not disclose or suggest the threaded bores required by claim 2 or the specific structural limitations of the cylinder blank. Neither Chung

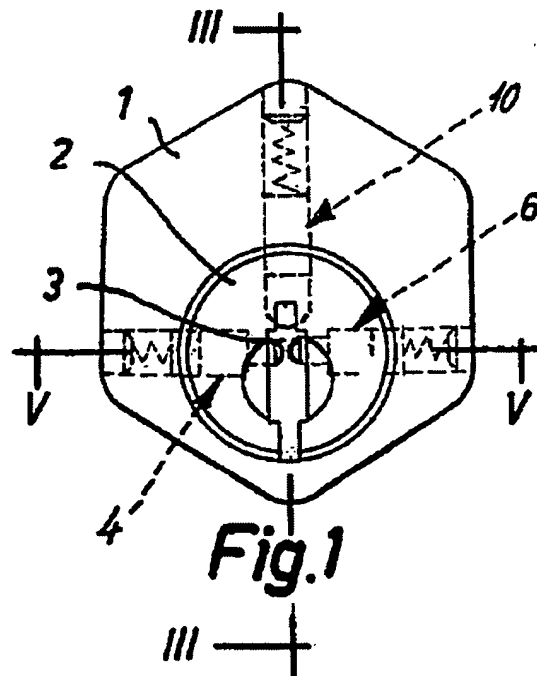


'997 nor Field '404 discloses the pin bore geometry recited in claim 1, and therefore required by claim 2. Further, even if all limitations of claim 2 were disclosed within these references, the Examiner has identified no teaching within either of the references motivating or suggesting to one of skill in the art that the references should be combined in the manner suggested by the Examiner. Accordingly, Applicant respectfully submits that the Examiner has not established a prime facie case of obviousness and that Examiner's rejection of claim 2 under 35 U.S.C. § 103 should therefore be withdrawn.

With respect to claims 3-6, 10 and 11, the Examiner stated the following:

Claims 3-6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of the French reference (781). The French reference teaches a solid mogul (1) including a third set of driver and pass key pins 4 received in corresponding bores. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mogul of Chung to include a solid structure including a third set of driver and pass key pins, in view of the teaching of the French reference (781), the motivation being to optimize the strength of the mogul and its security against picking attempts.

Claims 3-6 and 10 have been canceled. With respect to claim 11, Applicant respectfully submits that claim 11 is allowable as it depends from claim 8, the allowability of which has been discussed above. Chung '997 does not disclose a third set of driver pin bores, a third set of pass key pin bores, or the cylinder blank as recited. The French reference (781) fails to disclose a number of elements, including but not limited to

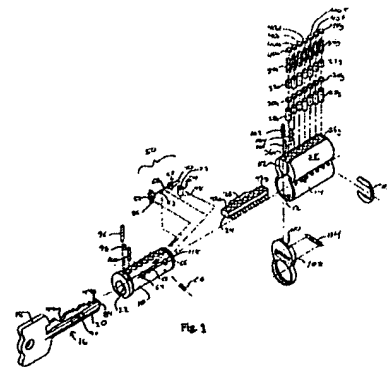


a generally-cylindrical mogul and conical pins. Further, the Examiner has identified no teaching within either of the references motivating or suggesting to one of skill in the art to combine the Chung '997 reference with the French reference (781) in the manner suggested by the Examiner. Figure 1 of the French reference (781) is shown above to the right. In light of the fact that the Examiner has not identified any suggestion or motivation to combine these references, Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness and that Examiner's rejection of claim 11 under 35 U.S.C. § 103 should therefore be withdrawn.

With respect to claims 7 and 12, the Examiner stated the following:

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference (781) and Shvarts (968). The French reference has been discussed above. Shvarts teaches locating hardened dowel pins 102, 104, 106 in front of driver pins/bores and the front surface of the mogul 38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mogul of Chung to include a solid, uniform structure, in view of the teaching of the French reference (781), the motivation being to optimize its strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide hardened dowel pins in front of the driver pins/bores of the modified Chung reference, in view of the teaching of Shvarts, the motivation being to protect the driver pins from cutting/tampering attempts.

Applicant submits that claims 7 and 12 are allowable, as they depend from allowable claims 1 and 8, respectively, the allowability of which has been discussed above. Further, the Examiner has identified no teaching within either of the references motivating or suggesting to one of skill in the art to combine the Shvarts '968 reference with the French reference (781) in the manner suggested



by the Examiner. Figure 1 of the Shvarts '968 is shown above to the right. In light of the fact that the Examiner has not identified any suggestion or motivation to combine these references, Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness and that Examiner's rejection of claims 7 and 12 under 35 U.S.C. § 103 should therefore be withdrawn.

With respect to claims 13-20, the Examiner applied the above references together and in combination with even more additional references in order to support a finding of obviousness under 35 U.S.C. § 103, as follows:

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of the French reference (966). The French reference teaches a hardened shielding device 15 with a rectangular cutout located in front of pass keys pins 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a shielding device in front of the pass key pins of Chung, in view of the teaching of the French reference (966), the motivation being to protect the pass key pins from cutting/tampering attempts.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Taylor (209), Eras and the French reference (966). Taylor teaches protecting the driver pins with a hardened pin 5, as well as protecting the pass key pins with a shield 4. Eras teaches protecting each set of driver pins with at least one hardened pin 6. The French reference (966) teaches a shield disk 15 with a rectangular cutout. To protect the driver and pass key pins of the Chung reference would have been obvious in view of the teaching of Taylor, to enhance the security of the lock. To utilize a hardened pin with each set of driver pins of Chung, would have been obvious in view of the teaching of Eras, to protect all driver pins. To provide a shield with a rectangular cutout with the pass key pins of Chung, would have been obvious in view of the teaching of the French reference (966), to protect all pass key pins.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of the French reference (781) and Field et al (404). All of the references have been discussed above. To modify the mogul of Chung to include a solid structure, including a third set of driver pins and pass key pins, would have been obvious in view of the teaching of the French reference (781), the motivation being to optimize the strength of the mogul and its security against picking attempts. It would have been obvious to include a threaded socket and screw with the driver pin bores of Chung, in view of the teaching of Field et al, the motivation being to simplify assembly/disassembly of the mogul components, when desired.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of Shvarts (968). Shvarts teaches three dowel pins 102, 104, 106, with pins 102, 104 on opposed sides of the plane of the driver pins 32a-32g. It would have been obvious to one of ordinary skill in the art to utilize three dowel pins with the driver pins 354 of the modified Chung reference, in view of the teaching of Shvarts, to protect the pins against tampering attempts.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of the French reference (966).

The French reference (966) has been discussed above. To utilize a disk with a rectangular cutout with the pass key pins of Chung, would have been obvious in view of the teaching of the French reference (966), the motivation being to protect the pass key pins from tampering attempts.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of Taylor (209), Eras and the French reference (966). All of the references have been discussed above. To protect both the driver and pass key pins of Chung, would have been obvious in view of the teaching of Taylor, to optimize the security of the lock. To utilize a hardened pin with each driver pin set of Chung, would have been obvious in view of the teaching of Eras, the motivation being to protect all driver pins. To utilize a disk with a rectangular cutout with the shield pins of Chung, would have been obvious in view of the teaching of the French reference (966), the motivation being to protect all pass key pins.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of the French reference (966). To utilize a disk with a rectangular cutout with the pass key pins of Chung, would have been obvious in view of the teaching of the French reference (966), the motivation being to protect all pass key pins.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of Eras. Eras has been discussed above. To protect all sets of driver pins of Chung with at least one hardened dowel pin, would have been obvious in view of the teaching of Eras, the motivation being to protect all driver pins from tampering attempts.


In response, Applicant respectfully submits that the Examiner's rejection of the above claims under 35 U.S.C. § 103 is improper, as the Examiner has not established a prima facie case of obviousness for any of the above, as required for a rejection under 35 U.S.C. § 103. The limitations missing from the Chung '997 reference have been discussed in detail above. Further, Applicant respectfully submits that the Examiner has not identified any motivation or suggestion, within any of the references, to one of skill in the art to combine any two of the above references in the manner suggested by the Examiner, much less a suggestion to combine the three references cited against claim 15, the four references cited for claims 14, 16, 17, 19 and 20, or the six references cited against claim 18. Applicant respectfully submits that the very fact that three, four, or six references would be required to identify all of the limitations of a single claim is itself strong evidence that the invention claimed by the pending claims is not obvious.

CONCLUSION

For the reasons set forth above, and in light of the foregoing amendments to the claims, Applicant respectfully requests reconsideration by the Examiner. Applicant submits that the application is in condition for allowance and respectfully requests prompt, favorable action thereon. If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below. Please reference Attorney Docket No. 126885-1001.

Respectfully submitted,
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